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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Lesotho, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine: draft resolution

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1]

Recalling also the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights[2] and the Convention on the Rights of the Child,[3] and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming its relevant resolutions, including resolution 65/105 of 10 December 2010 as well as those adopted at its tenth emergency special session,

Recalling the relevant resolutions of the Human Rights Council,

Recalling also the relevant resolutions of the Security Council, and stressing the need for their implementation,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

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Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[4] and the report of the Secretary-General,[5]

Taking note of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967,[6] as well as of other relevant recent reports of the Human Rights Council,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,[7] and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[8] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention[8] under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[9]

Stressing also the need for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip,

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[4] See A/66/370.

[5] A/66/356.

[6] A/HRC/16/72; see also A/66/358.

[7] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[8] United Nations, *Treaty Series*, vol. 75, No. 973.

[9] S/2003/529, annex.

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned in particular about the critical humanitarian and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic and movement restrictions that in effect amount to a blockade and the military operations between December 2008 and January 2009, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, widespread destruction and damage to Palestinian homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities and the internal displacement of civilians, as well as about the firing of rockets into Israel,

Stressing the need for the full implementation by all parties of Security Council resolution 1860 (2009) of 8 January 2009 and General Assembly resolution ES-10/18 of 16 January 2009,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the military operations in the Gaza Strip between December 2008 and January 2009, including the findings in the summary by the Secretary-General of the report of the Board of Inquiry[10] and in the report of the United Nations Fact-finding Mission on the Gaza Conflict,[11] and reiterating the necessity for serious follow-up by all parties of the recommendations addressed to them towards ensuring accountability and justice,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impeding of the reconstruction process by Israel, the occupying Power, on the human rights situation and on the socio-economic and humanitarian conditions of the Palestinian civilian population,

Expressing deep concern also about the Israeli policy of closures and the imposition of severe restrictions, checkpoints, several of which have been transformed into structures akin to permanent border crossings, and a permit regime, all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and about the consequent violation of the human rights of the Palestinian people and the negative impact on their socio-economic situation and the efforts aimed at rehabilitating and developing the Palestinian economy, which remains that of a humanitarian crisis in the Gaza Strip, while taking note of recent developments with regard to the situation of access there,

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[10] See A/63/855-S/2009/250.

[11] A/HRC/12/48.

Expressing deep concern that thousands of Palestinians, including many children and women, continue to be held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoners and all reports of torture,

Expressing concern about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling, in this regard, the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties implement the agreements reached, and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

Taking note of the continued efforts and tangible progress made in the security sector by the Palestinian Authority, calling upon the parties to continue cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[8] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians, the arbitrary detention and imprisonment of civilians and the destruction and confiscation of civilian property, and that it fully respect human rights law and comply with its legal obligations in this regard;

3. *Also demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949[8] and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Further demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which, inter alia, gravely and detrimentally impact the human rights of the Palestinian people and the prospects for a peaceful settlement;

5. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, which

have caused extensive loss of life and vast numbers of injuries, including among children, massive damage and destruction to homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities, and agricultural lands, and internal displacement of civilians;

6. *Expresses grave concern* at the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

7. *Reiterates its demand* for the full implementation of Security Council resolution 1860 (2009);

8. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice[7] and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has gravely impacted the human rights and the socio-economic living conditions of the Palestinian people;

9. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and Gaza Strip, and to and from the outside world;

10. *Calls upon* Israel, the occupying Power, to cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, and, in this regard, to fully implement the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

11. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socio-economic and humanitarian situation, particularly in the Gaza Strip;

12. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

13. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution.